

EXECUTIVE COMMITTEE MEETING

SEPTEMBER 20, 1996, 9:30 a.m. - 3:30 p.m.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION OFFICES

PORTLAND, OREGON

I. Introductions and Review of Agenda.

Donna Darm of the National Marine Fisheries Service thanked everyone for coming, led a round of introductions and reviewed the agenda for today's meeting, explaining that William Stelle, NMFS regional director and EC chairman, had been delayed and would arrive shortly. She also explained that one outcome of the American Rivers v. NMFS settlement discussions had been an agreement that future Executive Committee meetings would be facilitated, and introduced the facilitator of today's meeting, Donna Silverberg of the State of Oregon.

The first agenda item will consist of a presentation on alternative dispute resolution from Suzanne Orenstein of RESOLVE, said Darm; the next item is a discussion on rules of procedure. At the last meeting, the Executive Committee asked the Implementation Team to develop these rules of procedure for both the IT and the EC. Again, this was a recommendation that came out of the American Rivers v. NMFS litigation: a suggestion that we formalize these meetings and clarify issues such as voting and attendance. Within this agenda item, the Implementation Team will present you with a list of issues we intend to address, but have not had a chance to address during the migration season. There was one issue the IT felt could be usefully addressed by the Executive Committee, Darm added: the scope and jurisdiction of this committee.

Joyce Cohen of the Power Planning Council requested that a few minutes of today's agenda be devoted to a discussion of fish and power system emergency protocols. We can discuss that after Agenda Item II, said Darm.

A copy of the September 20 EC agenda, together with a list of meeting participants, are attached as Enclosures A and B. The following is a summary of the items discussed at the September Executive Committee meeting (not a verbatim transcript), together with actions taken on those items.

II. Presentation on Dispute Resolution.

Orenstein explained that she had been retained by a group of federal agencies, through a contract with the Department of Justice, to assess whether or not it would be useful and productive to investigate an alternative dispute resolution mechanism for some of the salmon-related issues the region is struggling with.

Alternative dispute resolution is a term that means something different to everyone who uses it, Orenstein continued. In my view, it is a range of processes, often involving a neutral person who

helps people come to implementable agreements. The focus is on going forward from impasse. However, she added, 90% of the alternative dispute resolution that occurs in this country is not a decision-rendering resolution -- it is a negotiation, or a mediated discussion.

I've been doing this for 17 years, Orenstein said, and one of the things I've learned in that time is to predict when people are going to agree, and when they're not going to agree. I don't need to tell you that the dynamics of the Northwest salmon debate are among the most complex in the world. In essence, I've been hired to predict whether or not a conversation about alternative dispute resolution would be helpful in this debate, she said. That's the question I'm asking nearly everyone in this room -- I'll be speaking to more than 50 people in the course of this process, and invite anyone who wants to share their point of view to call or fax me with their opinions.

Orenstein distributed Enclosure C, a fact sheet explaining what RESOLVE is and does (see Enclosure for details). The interviews I've done to date have been extremely frank and rewarding, she said; my intent is to synthesize the comments I receive in the course of the interview process by early November. That report will then be circulated to everyone interviewed; if I recommend that a process be convened, even the discussion of ground rules for that process will be open to the group's consideration, Orenstein explained.

Some of the initial comments I've received have focused on the fact that there are already multiple dispute resolution fora operating in this region, she continued -- people are telling me that they can't cope with another forum. That's a practical matter that will need to be factored into any mechanism this process yields. Another thing I'm hearing is the fact that a dispute resolution process only works if it's attached to a decisionmaking forum, and there is some confusion in the region about exactly which bodies are making which fish and wildlife decisions, Orenstein said.

There is also concern about what the scope of the issues that come before the existing dispute resolution fora should be, she continued. I'm asking people what issues need a forum, and whether, in their opinion, all relevant issues are being addressed, Orenstein said. Some people are also saying that hatchery issues are troubling them; they would like to see some sort of collaborative forum address those concerns.

Will your report include a multi-level sorting of which issues should be subject to a given type of dispute resolution, or any recommendations about which issues should go to which fora? asked Cohen. I probably won't know enough to make those kinds of specific recommendations, Orenstein replied, but I think I can set out a process that will allow you to match the various issues with their appropriate fora fairly quickly. But you can give us a sense of what types of issues work best with what types of dispute resolution? Cohen asked. Yes, Orenstein replied.

One thing I would add, she continued: while these disputes are complex, contentious, and at times overwhelming, I do sense a desire among the parties involved to work effectively together, as a region, to solve them. I've been very impressed by that. The range of viewpoints assembled at this table alone is impressive. That gives me cause for hope. Will your report include an assessment of what existing processes are working satisfactorily, and if they're not working, whether or not they're fixable? asked Dan Diggs of USFWS. Yes, Orenstein replied.

Moving on to the issue she had raised earlier, Cohen proposed that the EC schedule a meeting in

October to review and evaluate the interface between the power system operators and the fish and wildlife managers, starting with the question of what is a fish-related emergency. The region needs to know how we're going to minimize risks for both fish and power system reliability during periods of heavy load, she said. One of the ways we can do that is to sit down and discuss, with the fish managers, what they think constitutes a fish-related emergency. The next step is to spell out practical matters such as who they need to contact if such an emergency occurs, to give us a common regional understanding of how to deal with this situation the next time it arises. Ultimately, she said, we think this would be an appropriate topic for the Executive Committee to take on.

The general topic of sorting out and defining the different types of emergencies, then seeing if we can develop a set of procedures or guidelines for how those matters are to be handled, is a really good idea, said Will Stelle. However, that topic is a subset of the larger rules of procedure discussion scheduled later in today's agenda, and it might be simplest to deal with it in the context of the larger package of rules and procedures for the Executive Committee, IT, TMT etc.

I think we need to be clear on this part of our rules and procedures as soon as possible, certainly by the winter season, when we're again going to be encountering some very heavy loads, said Cohen. Wendell Hannigan of the Yakima Nation agreed with Cohen about the need for a separate meeting on this subject as soon as possible. **After a few minutes of further discussion, it was agreed to ask the Implementation Team to consider the topic of system emergency rules and procedures at their October 3 meeting. The results of the IT discussion will then be addressed in detail at the next Executive Committee meeting in December.**

Does that mean you would like the IT to develop a list of procedural recommendations for presentation at the next EC meeting? asked Darm. If so, that would suggest that the IT be prepared to have as many meetings as possible to develop that list between now and November. Before you get to procedures, you need a clear understanding of what types of things are at issue, replied Cohen. I'd like to see the Executive Committee address the substantive issues that are of concern to the operators and managers

Stan Grace of the Power Planning Council said that, while he did not object to this course of action, it might be a good idea to discuss this subject at the Power 4 level as well. There's a lot of expertise within the Power Planning Council staff, he said. It was agreed that the Implementation Team, the Power 4 and the Technical Management Team would all take up the topic of system emergency protocols as soon as possible, framing issues for EC discussion on December 10-11.

Keith Kutchins of the Shoshone-Bannock Tribes made the point that, no matter what the current state of the hydropower system happens to be, the region faces an *ongoing* fish emergency -- that's why these fish are on the Endangered Species List, he said. It's kind of ridiculous to be discussing what constitutes a transient fish emergency, given the fact that we're in the middle of the biggest fish emergency this region has ever seen. To me, the more important question is, how much does the power side have to do with the fish emergencies we're facing.

III. "Rules of Procedure" for the Executive Committee, Implementation Team and Technical Teams.

Darm distributed Enclosures D and E, a rules and procedures issues list and a document describing a sample issue for EC discussion, respectively. The issues list was developed by an IT work group, and represents an attempt to define the list of issues we need to address in the course of developing rules and procedures for EC, IT and the technical teams, she explained. The other document is a brief description of one issue the IT work group felt could be usefully addressed by the EC today.

Darm worked her way through the issues list, beginning with Issue I: Membership, Participation and Voting. We're using the word "voting" loosely, she explained -- the assumption we've been operating under is that the EC, IT and technical teams operate by consensus, defined as "the lack of objection." We have not been taking votes in the IT or technical team meetings; rather, individual committee members make proposals for a particular action, decision or recommendation, and the meeting chair asks if there are objections. If there are no objections, said Darm, then on we go.

Who, then, are the voting and non-voting members of the Executive Committee? she asked. In other words, which members have the ability to raise an objection that will cause the issue to be elevated to the next level of decisionmaking? Second, who are the voting and nonvoting members of the Implementation Team? Originally, when NMFS set up this forum, we invited the sovereigns, state and tribal, to participate, as well as the State of Alaska. We later agreed that the Power Planning Council and the operating agencies would participate on the Executive Committee, but not as voting members. The Mid-Columbias have also asked to be members of this forum. In addition, NMFS has raised the question of CRITFC's status within these various forums.

A third question regarding the IT is, should some members be able to vote on some issues, but not others? Darm continued. Some participants have expressed the opinion that the operating agency members of the IT shouldn't be allowed to raise objections when we're addressing an issue that requires dispute resolution, such as a dispute that has been raised from TMT. If a river operator raises an objection to a unanimous recommendation of the fish managers, she explained, it could have the effect of elevating that issue to the Executive Committee.

This is a very complicated subject, and I would venture a couple of observations, said Stelle. In terms of in-season management issues, which have real temporal constraints to them, decisions need to be made quickly. The intent of the IT, in such cases, is not just to reach consensus among the fish managers, but to get things done -- the things people feel are the right things to do for fish. It's not enough to get agreement among the fish managers -- there has to be a broader consensus, so that whatever action is agreed to actually gets implemented.

But what do we do in a case where the salmon managers recommend a course of action, and the operating agencies say no? asked CRITFC's Bob Heinith. That actually happened during the 1996 migration season. How, then, do we bring that back to the EC on a real-time basis? That's a real question, agreed Stelle. In developing these guidelines, we need to include a pretty clear answer to that question.

Darm continued on through the issues list, saying that, while NMFS has invited all state and tribal sovereigns in the Columbia River Basin to designate representatives to the EC and IT, not all of these entities have done so. Several participants in these processes have suggested that only

designated representatives of members be allowed to participate in the discussions of the TMT, IT and EC. A related issue: if one of the members has designated a particular individual as their representative to a particular team, should that member also be allowed to participate in the next forum up the ladder? Some participants have expressed frustration at the fact that they talk about an issue at one level; that issue is elevated to the policy level, and the same people are sitting around the table at the next meeting, Darm explained. This is a sensitive issue, particularly for the tribes, which in many cases have not designated representatives because it's more difficult for them to get to all the meetings. It's an issue that needs to be, and will be, addressed by the Implementation Team.

Moving on to the second issue on the list, roll calls for attendance and voting, Darm explained that some IT members have suggested that a roll call be taken at all IT, TMT and SCT meetings, with attendance and absence noted for the record. Further, it has been suggested that, when an issue is presented for decision, a roll call be taken of the positions of those present. That leads to a related issue: does "consensus" mean consensus of only those present and voting? In other words, what constitutes a quorum?

The last category on the issues list is the presentation, consideration and elevation of issues, Darm said. One question under this category is, should the proponent of a decision be required to present the proposal in writing? Another question is, should objecting parties be required to put their objections in writing, if requested by the proponent? A third question is whether participants can bring issues to the IT or EC if those issues haven't first been raised at the appropriate technical level first, she said.

Another suggestion that has been made is that, in order for an issue to be elevated to the IT or EC, at least two members of the originating body must object to it, Darm said. Finally, it has also been asked whether participants without management authority on a particular issue should be able to raise a dispute on that issue.

Not to bring up a particular tribe's issues, said Howard Funke of the Spokane/Coeur D'Alene Tribes, but the Spokane Tribe has the biggest reservoir in the United States on its reservation. The tribe is a fee owner of the Spokane River -- the Spokane arm of Lake Roosevelt belongs to the Spokane Tribe. The tribe is heavily involved in water quality issues, and is recognized by the Federal government as having all kinds of principal management authorities within a large portion of the reservoir. This discussion has focused on whether you're a fish manager or not -- what about all of the management authority the tribe has over its reservation, and the water supplies within its boundary? he asked. Because every decision made by the fish managers and hydrosystem operators in the region affects the Spokane Tribe. Any time hydrosystem operations, water supply, resident fish and wildlife are affected, we want to be at that table.

That's the reason so many of the fora within the basin don't work, Funke continued -- they're designed to protect certain interests, rather than addressing the problems that face us all in an inclusive, open and fair manner, whether or not a given participant carries the "management authority" label. If it affects us and our interests, we ought to be able to say something about it, he said. In many cases, fair and open access to these various processes is dictated by the availability of staff and financial resources, added Keith Kutchins of the Shoshone-Bannock Tribes.

I think that's right on the money, said Stelle. One practical point, as Keith mentioned, is the issue of the money and time required to fully participate in these processes. That's a real hurdle for many of the entities in the region. How do we deal with it? Possibly through a combination of financial assistance and an agreed-upon consolidation of representation on certain matters. We may also be able to deal with it through better electronic communications. The fact of the matter is, said Stelle, there are a lot of meetings every week in this basin. My suggestion to the IT is that they also speak to the practical issue of how to facilitate full participation.

One problem I see is that, when you look at the attendance lists of the meetings around the region, and you see a lone state or tribal representative surrounded by armies of federal representatives, said Kutchins. Trying to get an issue on the table, even trying to get a footnote in the minutes, is extremely difficult. Again, it comes down to dollars.

So let me ask this, said Silverberg -- if the IT, at its next meeting, takes up the issue of access, openness and fairness, and the issue of how to facilitate the participation of the affected interests, including the possibility of additional financial resources being made available to allow full participation, would that resolve some of these issues for you? CBFWA has an existing process to address the issues facing the basin, Kutchins said. Frankly, I haven't received any direction from our policy folks about whether or not the Implementation Team even exists, so I can't answer your question.

Idaho's Mike Field suggested that an IT subcommittee be formed to work independently with the sovereigns to ensure that their needs are addressed relative to IT, EC and the technical committees.

I would like to add that the problem is not a lack of knowledge or expertise among the tribal staffs, said Eugene Greene Sr. of CTWSRO. Our experts are fully qualified to sit at these tables and speak at the same level as any of the experts from the federal agencies. The problem is a lack of funds, pure and simple. As sovereigns, we have to be sitting at these tables. You know about the Red Paper, you know what happened in the MOA -- the tribal caucus can do these things, said Greene. We want you to know what the tribal concerns are, and we want you to know that we want to be full participants in all these processes.

My question goes to the fundamental existence of this forum, added Hannigan. How did this overall structure, consisting of the Executive Committee, Implementation Team and technical teams, come into existence? While we are ready to participate as fully as possible, the tribes do have questions about the validity of this process.

Mary Vernes of the Spokane Tribes asked for some clarification about the outcome of today's process -- will our comments be taken to the IT, which will then develop recommendations based on those comments? she asked. And before we invest more time in discussing the issues list, we need to talk about the decision issue Donna mentioned earlier, and resolve the scope of activities the Executive Committee and Implementation Team will review. When the Executive Committee first came to the attention of the Spokanes, we were invited to meet with the other 12 sovereigns in the basin and designate one representative to this committee, she said. Like Wendell, I would appreciate some clarification of how the EC came into existence, as well as how the EC interfaces with the IT and the overall mechanism for dealing with policy issues in the basin.

In response to your first question, whether the IT will take the comments generated in the course of today's meeting and develop recommendations based on those comments, that's a fair question, replied Stelle. My feeling is that, in terms of some of the operational guidelines, how the Implementation Team should work and what its oversight function should be in regard to the technical teams, I would like to know what the IT thinks the answer to that question should be. If they can formulate some recommendations to us, they should do so. Frankly, that's one of the main issues before this committee today.

You also asked about tribal representation to this forum, Stelle continued. My recollection is that each of the sovereigns was asked to participate individually. It's up to each of those sovereigns to decide whether or not, and how, to participate in these discussions. There was never any suggestion, however, that the tribal sovereigns designate a single representative.

You also asked the question of how this overall structure, consisting of the Executive Committee, Implementation Team and technical teams, came into existence, Stelle said. Basically, this process originated in the very practical recognition that there are a number of significant jobs being done in trying to improve the operations of the FCRPS in the Columbia and Snake basins for fish and wildlife conservation purposes. The idea was to try to formally open up the machinery by which those things get done to full and fair participation by all of the sovereigns who choose to participate.

In particular, he continued, if you focus specifically on the hydrosystem, some of the jobs that have to get done are, first, the operation of the system per se during the migration season, and second, what kinds of improvements should be made at the dams, in what order of priority, and according to what schedule. The third main item is the development of a multi-year research program to give the region the data it needs to make informed decisions in support of these two items. The fourth item is the financial issue: how do we allocate the funds that are available to this process? said Stelle. In all of those specific categories of effort, the objective is to formalize the way those jobs get done, and by so formalizing the process, to open it up to the active and regular participation of all sovereigns in the basin who choose to participate.

We recognize that there are different levels to this effort, he continued. There is the highly technical level; there's the middle, or senior program manager, level, which guides the technical level; then there's this level, the senior policymaking level, which provides direction to the mid-level program managers. To the extent that this body feels this is the right design to this machinery, we should give that guidance to the IT. If we want to make adjustments to that machinery, we can make them.

The comment about barriers to participation is an important one, said Grace. One aspect of that is the site of these meetings. I would ask that these groups consider holding at least some of their meetings in Spokane, Boise, Helena and elsewhere in the region, he said -- I think that would make it easier for many of the sovereigns to participate.

The Red Paper alluded to earlier was a document prepared by a number of the tribes in the basin and submitted to the Power Planning Council before that body made its report to Congress on governance, said Funke. One of the main points that Red Paper made was that, from the tribal perspective, there is a lot of duplication of effort going on. The tribes' suggestion was that it would be much more efficient to have one place to go to deal with issues relating to water

supply, river operations, fish, resources and the ecosystem as a whole. One group talks about system operations, another addresses system configuration, others address power planning, Canadian Entitlement and governance, he said. Then there are subgroups under each of those bodies. How can the tribes send representatives to them all? It seems redundant to establish yet another process, when there are existing processes within the basin to deal with fish and wildlife management.

The discussion then turned to Enclosure E, the issue for decision raised by the Implementation Team rules and procedures work group:

Should the Executive Committee and the Implementation Team address the full range of activities affecting Columbia River Basin anadromous fish, or limit review to activities associated with operation of the hydropower system?

(See Enclosure E for a background statement on this issue).

After a lengthy discussion, a clear consensus emerged that the scope of the activities to be addressed by the Executive Committee and the Implementation Team should be limited to the hydropower system, and should include river operations, capital expenditures and mainstem habitat.

In the course of this discussion, Funke made the point that, while CBFWA includes the fishery managers -- the states, the tribes, and NMFS -- it does not include the operating agencies. Basically, he said, that means CBFWA brings all the major fish and wildlife players in the region together, except the ones who actually have their hands on the spigot. Then we have this forum, which is rich in operating agencies but poor in fish management entities, he said. To me, that doesn't make any sense at all. There is one main source of fish and wildlife funding in the region, the BPA fish and wildlife budget, and we all have to decide how that \$435 million per year is spent. Will Stelle has said he didn't care where the table is located, he's just interested in whatever works best. To me, said Funke, it makes a lot of sense to get the fish and wildlife managers and the power system operators together at one table, and merge the CBFWA and NMFS processes.

I think that's a great idea, Stelle replied. Under the Bonneville budget MOA, you have questions and issues regarding capital expenditures, direct fish and wildlife program dollars and other reimbursables, and operations. Right now, the Corps and the Bureau are wrestling with the capital expenditure questions, largely through the System Configuration Team. The direct fish and wildlife program questions are mainly being dealt with through the CBFWA ranking process. From the NMFS perspective, it all has to stay together, and it's crazy to erect artificial barriers to that integration..

However, Stelle continued, in response to your suggestion that a single entity oversee all of these activities, NMFS has explicitly discussed the possibility of including the EC, IT and technical team processes under the CBFWA umbrella. And the answer to that was no, because consensus could not be reached. We're here today because we have no other choice, but we're totally open to better ways of doing things.

It's very encouraging to hear you say that, said Funke. Certainly enough has occurred in the last 12 months to allow CBFWA to revisit this issue. My suggestion would be to discuss this issue

with CBFWA, to see if that would be a possibility.

Keith Kutchins made the point that the dispute resolution process is the basis of whatever the region is going to implement in the future, adding that, currently, the operative philosophy for most of the groups under the NMFS process is that, in the absence of consensus, the party with authority will make the final decision. He added that CBFWA's doors are open to the federal operating agencies; however, in CBFWA's view, CBFWA is the table where these regional decisions should be made. There are seats at that table for the federal agencies, Kutchins said, but the problem to date has been a lack of commitment to resolve disputes. Sometimes it takes until 2 a.m. or 3 a.m. to reach consensus, but you have to keep trying. That was the genesis of CBFWA, that's how it operates, and that's the message I was instructed to deliver today, he said.

Stelle replied that the 5-Year Implementation Planning Process now underway, designed to provide a detailed blueprint for implementing the measures called for under the various fish and wildlife mitigation plans in the region, has been authorized and sanctioned by CBFWA. This effort will include specific workplans for anadromous fish, resident fish and wildlife, and is scheduled for completion by November 1996. It is my expectation that the anadromous fish portion of the 5-Year Implementation Plan will be the conduit through which we recognize the common elements of the three main regional salmon recovery plans (CBFWA, NMFS and Council) and also identify areas of disagreement between them. My hope, he said, is that this effort will generate broader regional agreement about what should happen, and that it will also stimulate discussion about those areas of disagreement.

One question, of course, is where those disagreements should be resolved, Stelle continued. Do we bring them to the IT and the EC? If not, where will they be decided? As Keith mentioned, the default is that federal issues will ultimately be decided by the appropriate federal operating agency. I agree that the 5-Year Implementation Planning process is a key for the region, said Tom Cooney of WDFW. However, if it generates issues that are basically conflicts between upriver and downriver fish interests, we are committed to take those through CBFWA first. I hope we can figure out a way to link the CBFWA process back to this one; certainly if it's an operational issue, we would attempt to resolve it first through the Implementation Team. In my opinion, Cooney said, we should respect ongoing agreements and processes -- I'm not sure we should devote a lot of time at this meeting to talking about whether the whole process should be moved under the CBFWA umbrella. At least in the interim, I think we can use common sense and move forward under the processes that already exist.

One consensus that seems to be emerging is that there are too many meetings going on every week in the region, and we need to find a way to use our available human resources better, said BPA's Alex Smith. There is a need to integrate the roles of individual sovereigns and processes, and I think the 5-Year Implementation Plan will help in that regard. There is also, obviously, a desire to refine the dispute resolution process. I hope that Suzanne Orenstein's report will give us some guidance about how to make these various forums function more efficiently.

I should also point out that the obligations under the MOA have a number of important features, including broadened participation in the development of annual budget requests by the relevant federal agencies covering fish and wildlife matters in the Columbia/Snake River Basin, said Stelle. In the development of those processes, the MOA contemplates a greater opportunity for the state and tribal sovereigns to participate in the development of those annual federal budgets.

Another important feature of the commitments in the MOA is a more transparent accounting process by which the Bonneville fund is managed. The question, in implementing those obligations, is, where do we look to ensure that they are properly implemented, and to ensure that adequate opportunity is provided for review, comment and consultation by the state and tribal sovereigns. It's important to note that that isn't just CBFWA -- I've been assuming that, at least for important facets of that MOA, we would ask the IT to develop the mechanisms and procedures necessary to abide by those commitments, said Stelle. As long as all the state and tribal sovereigns in the regions are represented on the IT, added CRITFC's Bob Heinith. That's exactly right, Stelle replied.

Field said Idaho would have no objection to moving the NMFS EC, IT and technical team processes under the CBFWA umbrella, as long as the State of Idaho can select who the State of Idaho policy representative will be. Dan Diggs of USFWS said his agency is not yet ready to make its mind up one way or the other, and suggested that the IT be asked to analyze this issue. I agree that it isn't quite that simple, said Cooney -- I think there are times when it makes sense for the region's fish and wildlife agencies to sit down together and work through a particular issue; there are other issues where we don't have the authority to make a final decision. I think there's a role for both CBFWA's and NMFS's processes in the region, and we should be directing our efforts to help them to work together more efficiently. I want to avoid confusion about where a given issue should be raised, he said, but I don't think the only way to avoid that is by creating a single CBFWA process at which a single representative from the State of Washington, for example, would have to represent the state on certain types of issues.

Personally, said Vernes, I appreciate the irony of the the federal and state agencies being asked to do what the tribes are frequently asked to do: come up with a unified position. I'm concerned, however, about the duplication of effort between these groups. As a representative of the Spokane Tribe, the tribe most affected by operations at Grand Coulee, I would ask that the people at this table recognize that we're not just talking about one bag of money -- it's also one river. I don't want to see our concerns suffer because decisions are made for anadromous fish that do not fully take into account their ramifications for resident fish. The Implementation Team needs to give equal weight to the needs of anadromous fish, resident fish and wildlife.

The place where operational issues are being decided on a real-time basis is the Technical Management Team as well as the IT, Stelle replied. What's important is to make sure that a Lake Roosevelt perspective is present at the deliberations of those groups when it needs to be there. CBFWA wasn't designed for that, and if the Spokanes are not able to be present when needed at TMT or IT meetings, that's a problem we really need to fix.

Let me suggest a couple of things, Stelle continued. First, let's recognize that issues, habitat and biological opinions associated with the FCRPS are our main priority here. Harvest and hatcheries, for example, are really not part of our focus; other fora exist to deal with those types of issues, principally U.S. v. Oregon. On the subject of MOA implementation, that's a complicated issue, he continued. This is a new set of roles and responsibilities for all of us, and we need some time to sort those out. Clearly, CBFWA has a functional budgetmaking process, and there's no reason to interfere in that. At the same time, there are additional obligations in that MOA that the federal agencies have to adhere to and implement on a real-time basis. **I would suggest that the IT review the MOA and develop workable recommendations about how to get those jobs done, either through CBFWA, the IT, or another, amended, process. The**

other EC members agreed to an IT analysis of this issue.

IV. Memorandum of Agreement Update.

This item was not directly addressed at the meeting.

V. Presentation of Independent Scientific Advisory Board's "Review of Science" and FY'97 Workplan for the ISAB.

Chip McConnaha of the Power Planning Council staff explained that the ISAB is an outgrowth of the old Independent Science Group (ISG), which was created under the Council's Fish & Wildlife Program in 1994. The Council directed this group to begin a biennial review of the science underlying the Council's Fish & Wildlife Program; eventually, the ISG was expanded to include representatives from other agencies, such as NMFS, to form the ISAB.

McConnaha distributed Enclosure G, the executive summary of the ISAB's report, "Return to the River." He explained that report has been released, although it is still in pre-publication form, as some editing remains to be done. The ISAB plans to release the report in final form in November. He added that copies of the report can be requested from the Power Planning Council (503/222- 5161); all 500+ pages of "Return to the River" are also available via the Council's Internet homepage (www.nwppc.org).

McConnaha introduced Phil Mundy, who acquainted the Executive Team with the contents of this document (see Enclosure G for details). One of the things this document is not, Mundy said, is an implementation document. While it has been characterized as containing recommendations for drastic actions to recover the salmon, in fact, it is not a recommendation for actions at all. It's a framework, a context, against you can judge salmon recovery actions. The intent of this document was to broadly review the available science, and to place given actions against a backdrop that will allow the implementing agencies to judge progress and understand future direction.

The report's conclusions include:

- an explicit recognition that salmon in the Columbia Basin exist naturally as collections of locally adapted populations organized into aggregates of core and satellite populations known as metapopulations. To increase total productivity, management decisions should nurture life history and population diversity. That diversity will require protection for the remaining core populations, and restoration and reconnection of potential core habitats at strategic areas within the basin. The Hanford Reach, the last free-flowing stretch of the Columbia, could be a model for this approach.
- a call to protect and restore freshwater habitat for all life history stages, with a focus on key Columbia River tributary reaches and lakes. This approach would include: restoration of the spring freshet to revitalize inriver habitats; stabilization of daily fluctuations in flows to allow food webs to persist in shallow-water habitats that are important juvenile rearing areas; the provision of incentives for watershed planning that emphasize riparian and upland-use activities to enhance instream and lake habitats; identification of food web compositions and other key conditions critical to migrating juveniles in key habitats.

Wherever possible, reconnect restored tributary habitats to restored mainstem habitats, particularly where remnant core populations, such as Hanford Reach fall chinook, exist.

- a call to manage stocks with a more complete understanding of migratory behavior and the limitations that migratory behavior could place on river operations.
- a recommendation that sources of mortality throughout the salmonid ecosystem, including the ocean, the estuary, and the rivers and tributaries of the Columbia River Basin, be reduced.
- a recommendation that current and future salmon recovery measures correspond to the normative ecosystem concept, and that they be evaluated on the basis of their effectiveness in meeting stated objectives.
- a recognition that estuary and ocean dynamics are important regulators of the patterns of salmon productivity.
- a re-evaluation of the concept of salmon reserves as a means of protecting core populations and potential core population habitat. These core populations could enable reseedling of available healthy habitat, which in turn could rebuild salmon abundance and metapopulation structure throughout the Columbia Basin. The region should consider establishing a salmon reserve in the vicinity of the confluence of the Snake and Columbia Rivers, including the Hanford Reach.

Again, "Return to the River" is intended as a ruler against you can judge the adequacy of those mitigative measures that have been taken in the past to enhance salmon productivity, Mundy explained. Without understanding how the normative river processes work, how they produce habitat complexity and diversity and, in turn, biodiversity, it's unlikely you can achieve your recovery goals.

One final thought, said McConnaha: while this executive summary is necessarily brief, having reduced a 500-page document to 12 pages of conclusions, and while those conclusions may not seem that different from the way we all think about the recovery process, I would suggest that a thoughtful reading of the report will reveal a fundamentally different way of thinking about the river, which is quite at odds with the way traditional salmon management has been conducted. What the report suggests is a different way of putting the recovery pieces together, and a different filter through which you would evaluate and prioritize given measures.

As you're aware, said Stelle, we're engaged in the process of formulating multi-year implementation schemes for the hydrosystem; we're also working with the Forest Service and BLM on major land management planning processes to replace PACFISH and INFISH. These will have substantial implications for the spawning and rearing habitat components of the salmonid lifecycle. Do you anticipate that this report will have direct and substantial relevance to either of those activities? Yes, was the reply.

For most of my career in this arena, said McConnaha, the focus has been on the Snake River. That continues to be the case. One of the things this report suggests is that the region pull back from that a little bit, and remember that we have an entire basin to deal with. This may suggest some different areas of emphasis; although it may not suggest a reduction of emphasis on the

Snake, it calls on us to look at the Columbia/Snake Basin as an overall ecosystem.

McConnaha distributed Enclosure H, a list of projects that have been proposed for consideration by the ISAB. This process is open to any party that would like to suggest projects to be considered by the ISAB, he said; the procedure is that a written summary of those projects will be submitted in writing to me, as science coordinator for the ISAB; I will distribute those summaries to the ISAB and to appropriate policy fora as well. This enclosure contains the list of items currently on the table for the ISAB.

McConnaha went briefly through the items contained in Enclosure H (see enclosure for details). How does the ISAB intend to prioritize this list? asked Heinith. Good question, McConnaha replied -- the package we have in front of us at the moment will probably be prioritized on a need basis. We also plan to talk to the IT about what our priorities should be.

VI. Five-Year Implementation Work Plan Schedule and Structure, Summary of 1997 Migration Season and Operations.

These topics were deferred to the December EC agenda.

VIII. Next Meeting Date and Agenda Items.

It was agreed that the next meeting of the Executive Committee would be a two-day affair, set for Tuesday, December 10 from 10 a.m. to 5 p.m. and Wednesday, December 11 from 9 a.m. to 3:30 p.m. at the Northwest Power Planning Council's offices in Portland, Oregon. The following agenda items were identified for this meeting:

- Dispute resolution report
- clarification of historic disputes
- Report on rules and procedures
- including emergency operations
- 5-Year Implementation Plan
- Review of 1996 operations and migration
- Report on the Council's Independent Economic Advisory Board (IEAB)

Meeting notes prepared by Jeff Kuechle, BPA contractor.